MARKED-UP CLAIMS WITH AMENDMENTS SHOWN

<u>29</u> [9].   The method of Claim 1, wherein the content analysis is performed off-line and the results are stored embedded in or along with the multimedia content.

Method and Apparatus for Transcoding Multimedia Using
Content Analysis

Abstract of the Invention

A method and apparatus for <u>selecting at least one</u> transcoding <u>method for manipulating</u> multimedia data <u>for delivery</u> on the basis of [content] analysis <u>of the content of the multimedia data</u>. Many possible transcoding operations can be performed on multimedia data to adapt it to constraints in delivery and display, processing and storage of client devices. The selection of specific transcoding operations can be made by first analyzing the features, purposes and relevances of the individual multimedia objects within the multimedia documents, then by selecting the transcoding alternatives according to the results of the analysis. Based on the analysis, different transcoding algorithms can be applied to different content, less than all of the content can be transcoded, groups of multimedia objects can be transcoded, etc.

REMARKS

Claims 1-29 are currently pending. The Examiner has objected to the Abstract. Applicants submit a new Abstract herewith which rephrases the introductory sentence to avoid duplicating the Title of the Invention. Applicants note, however, that common terms are used in the Title and the Abstract due to the fact that those terms are terms of the art which are the most appropriate words for describing the invention so that it will be understood by one having skill in the relevant art.

The Examiner has also objected to the application having two claims labeled as Claim 9. Applicants regret the clerical error and have corrected the error herein by amending that first instance of Claim 9 to be Claim 29. The amendment eliminates the problem with respect to the dependency of Claim 10 as well.

The Examiner has rejected Claims 1-28 (now 1-29) under 35 § 102(e) as being anticipated by Hoffert, et al. Applicants first note that the filing date (February 28, 2000) of the Continuation-in-Part application on which the Hoffert patent issued is later than the filing date (October 9, 1999 based on provisional patent application 60/103,303 filed October 6, 1998) of the present patent application. While the chain of applications to which the Hoffert CIP refers has some dates which are earlier than the effective date of the present application,

Applicants respectfully assert that those applications may not have included the relevant teachings on which the Examiner relies for the anticipation rejection. Accordingly, Applicants request that the Examiner remove the Hoffert patent as a reference against the present application based on the fact that it is not an appropriate 102(e) reference due to the respective filing dates. Should the Hoffert parent patent application which predates the effective date of the present application be found to contain the relevant teachings, then it would be appropriate to assert the patent which issued on that application against the presently pending claims. Applicants therefore request reconsideration of the anticipation rejection based on the Hoffert patent 6,374,260. Applicants also suggest that a Rule 1.131 Declaration of Prior Invention could be prepared and executed by the Applicants pending a determination as to what teachings were available as of which date. Applicants also note that it would be inappropriate for the Examiner to issue a Final Office Action in response to this amendment, given the discrepancy with regard to the content of the CIP.

Applicants further assert that, even if the Hoffert patent teachings are available to be asserted against the present invention, those teachings do not anticipate the invention as claimed. The Hoffert patent teaches a method and apparatus for searching for media content and for delivering for display a predetermined portion of the media content which has been

retrieved (see: Col. 10, lines 58 et seq.). The delivery of the portion of the media content comprises selecting a predetermined portion (i.e., a filmstrip, thumbnail or storyboard preview) which has been specified by the user and displaying that portion. Hoffert also teaches that the predetermined portion can be transcoded based on the user capabilities so that the portion can be displayed at the user's location (Co.. 11, lines 37-49). Hoffert does not, however, analyze the content of a multimedia presentation and then perform transcoding based on that analyzing of the content..

Applicants note that the Examiner has rephrased the claim language at paragraph 6, line 4 to recite "analyzing the content of the multimedia *representation*". While Hoffert may have a multimedia *"representation"* which comprises the predetermined portion of media content, such is not the same as a whole multimedia presentation. Hoffert does not analyze the multimedia representation (let alone the whole multimedia presentation) for transcoding. Hoffert merely selects the predetermined portion which has been prespecified for or by the user. Finally, Hoffert does not transcode based on analysis of multimedia presentation content. Hoffert merely looks at the client capabilities and then transcodes the predetermined portion (or "representation") based on the client capabilities.

It is well established under U.S. Patent Law that, for a reference to anticipate claims under 35 USC § 102, the reference

must teach each and every claim feature. Since the Hoffert patent does not teach the analyzing of the content of a multimedia presentation, or transcoding based on the analyzing of content of a multimedia presentation, it cannot be maintained that Hoffert anticipates the invention as set forth in independent Claims 1, 25, and 27. Furthermore, Applicants assert that a reference which does not anticipate the independent claims cannot be said to anticipate those claims which depend from the independent claims and which add limitations thereto. Therefore, the language of Claims 2-24, 26 and 28-29 is not anticipated by the Hoffert patent.

Based on the foregoing amendments and remarks, Applicants request entry of the amendments, withdrawal of the rejections, and issuance of the claims.

Respectfully submitted,
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